

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 97-CR-98

RANDY YAGER,

Defendant.

UNITED STATES' PROPOSED VOIR DIRE QUESTIONS

The United States, by its attorneys, Gregory J. Haanstad, United States Attorney for the Eastern District of Wisconsin, and Carol L. Kraft, Scott J. Campbell, and Laura S. Kwaterski, Assistant United States Attorneys, submits the following proposed voir dire questions pursuant to Federal Rule of Criminal Procedure 24(a). The United States also requests that the Court ask, or permit counsel to ask, follow-up questions as appropriate.

Juror's background

1. Please state your name, city of residence, marital status, educational background, occupation, and occupation of your spouse. If you are retired or unemployed, what was your most recent job?

Knowledge of parties and witnesses

2. Do any of you know the Defendant, Randy Yager?

3. Do any of you know his lawyer, Stephen Hurley, or paralegal Shavon Caygill?
4. Do any of you know Special Agent Sandra DeValkeneare of the Bureau of Alcohol, Tobacco, Firearms and Explosives?
5. Do any of you know Assistant United States Attorneys Carol L. Kraft, Scott J. Campbell, or Laura S. Kwaterski?
6. Do any of you know any of the individuals listed on the witness list provided to you?

Prior jury service

7. Have you previously served as a juror? If so, please state whether the case was a criminal or civil matter, whether the jury reached a verdict, and whether you were the foreperson.

Ties to law enforcement and the government

8. Have you, any member of your family, or any of your close friends ever been employed by a law enforcement agency?
9. Have you, any member of your family, or any close friend ever been employed by any other federal, state, or local government agency?
10. Have any of you ever served in the military?

Legal training

11. Have any of you ever attended law school, received legal training, or worked in a law office in any capacity?

Experience with the criminal justice system

12. Have any of you, a relative, or a close friend ever been involved in a criminal case – as a witness, a defendant, a victim, or in any other way?

13. Have you, any member of your family, or any close friend ever been charged with a felony or a misdemeanor other than a minor traffic violation? If yes, do you feel the outcome was fair? Would your experience in that case influence your attitude toward the prosecution or the defendant in this case?

14. Have you, any member of your family, or any close friend ever served time in jail or in prison? Would that fact influence your attitude toward the prosecution or the defendant in this case?

15. Have you, any member of your family, or any close friend ever been interviewed by a police officer, a federal agent, or any other law enforcement agent? Would that fact influence your attitude toward the prosecution or the defendant in this case?

Attitudes toward law enforcement agencies

16. Have you, or a close friend or relative, ever had any particularly positive or negative experiences with a law enforcement agency? Would that experience influence your attitude toward the prosecution or the defendant in this case?

17. Do any of you have any feelings, one way or another, regarding the City of Milwaukee Police Department, the Bureau of Alcohol, Tobacco, Firearms, and Explosives, the United States Department of Justice, or the United States Government?

Would that feeling would affect your attitude toward either the government or the defendant in this case?

18. Are you a member of the National Rifle Association (NRA) or any other organization that is either pro-gun or anti-gun? Do you have personal feelings about the possession of firearms that might influence your attitude toward the United States, the Bureau of Alcohol, Tobacco, Firearms and Explosives, or the defendant?

Bumper stickers

19. Do any of you have a bumper sticker or bumper stickers on a car you drive? What does it say?

Membership in motorcycle clubs and attitudes toward the crime charged

20. Do you or does anyone in your family regularly ride or own a motorcycle?

21. Have you, or has anyone you know, ever been a member of any type of motorcycle advocacy group?

22. Have you, or has anyone you know, ever been a member of the Outlaws Motorcycle Club, the Hells Angel's Motorcycle Club, the Hells Henchmen Motorcycle Club, the Barbarians Motorcycle Club, the Invaders Motorcycle Club, the Booze Runners Motorcycle Club, or any other motorcycle club? Who is that person and how close are you to the person? What club did or does the person belong to? Would the fact that this person is or was a member of a motorcycle club affect your attitude toward either the government or the defendant in this case?

23. Do any of you watch the television series "Sons of Anarchy?" How many episodes have you watched? Would the fact that you have watched this show affect your attitude toward either the government or the defendant in this case?

24. This case involves allegations that the defendant engaged in racketeering activity, and conspired to engage in racketeering activity, through the Outlaws Motorcycle Club, in violation of federal criminal anti-racketeering statutes. Do any of you have any attitudes toward federal racketeering laws that would affect your attitude toward either the government or the defendant?

Attitudes toward forensic evidence

25. Does anyone watch television crime dramas, such as "CSI" or "NCIS," and the like; or reality-based crime shows, such as "Dateline" or "48 Hours"?

- a. If so, do you understand that such television shows are meant for entertainment and do not necessarily reflect how the criminal justice system truly operates?
- b. Do you understand that such shows do not necessarily reflect the true scope or limitations of criminal investigation tools and technology?
- c. Would anyone here, in determining whether a person was guilty beyond a reasonable doubt of committing a crime involving use of a weapon or object, absolutely demand proof of DNA evidence from that person on that weapon or object in order to return a

verdict of guilty as opposed to deciding the case based on the evidence that actually was presented during the trial?

- d. Would anyone here, in determining whether a person was guilty beyond a reasonable doubt of committing a crime involving use of a weapon or object, absolutely demand to see fingerprint evidence from that person on that object in order to return a verdict of guilty as opposed to deciding the case based on the evidence that was actually presented during the trial?

General attitudes toward the government and justice system

26. Do any of you have any feelings regarding the United States government that might influence your attitude toward the United States or the defendant?

27. Do any of you have any feelings or opinions about our system of justice or the jury system that might influence your attitude toward the United States or the defendant?

28. Do you have any moral, religious, or philosophical beliefs that make you reluctant to serve on a criminal jury or that would make it difficult for you to judge another person's conduct?

29. The jury is the judge of the facts while the judge decides the law. At the close of the case, the judge will instruct you on the law that you must apply to the facts of this case. It is your obligation to follow the Court's instructions about the law, whether or not you agree with the law. Would any of you have any difficulty in following the judge's instructions? If you had opinions on what the law should be and

your opinions were different from the judge's instructions on what the law is, does anyone feel they might refuse, or even hesitate, to follow the judge's instructions?

30. Have any of you heard about this case before today, either on the television, in the newspaper, or elsewhere?

31. Is there any one of you who cannot set aside whatever personal opinions you might have about the defendant, the government, or the type of case before you, and arrive at a decision based solely on the evidence presented at trial and the instructions given to you by the Court?

32. Is there anything else that I have not covered that might affect your ability to give a fair trial to either the defendant or the United States in this case?

Respectfully submitted at Milwaukee, Wisconsin, this 16th day of March, 2016

GREGORY J. HAANSTAD
United States Attorney

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